



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/24/0798

Re: Property at 12/A Cathcart Street, Ayr, KA7 1BJ (“the Property”)

Parties:

Ms Susan Lambert, 17 Belmont Road, Ayr, KA7 2PQ (“the Applicant”)

Mr Kevin Morrison (SBA), unknown (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Tony Cain (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction be granted.

Background

1. The applicant applied to the Tribunal by application dated 16 February 2024.
2. Accompanying the application was a copy of the Private Residential Tenancy Agreement, the Rent Statement, Notice to Leave document, proof of service of Notice to Leave, and mandate from the landlord.
3. The application was accepted for determination on 27 January 2024.
4. The application was served by way of advertisement. No response was received to the application.

Case Management Hearing

1. At the case management hearing Mr Ruff from Lomond Property attended on behalf of the applicant. There was no appearance by or for the respondent.
2. Mr Rough indicated that it appeared that the respondent had left the property at the beginning of the year. The applicant was in due course going to sell the property.

Findings in Fact

1. The parties entered into a tenancy agreement for the rental of the property at 12A Cathcart Street, Ayr KA7 1DU.
2. Rent was due to be paid at the rate of £550 per month.
3. The respondent had last paid rent in August 2023. As at the date of the application rent was due totalling £3,850.
4. There were rent arrears over three consecutive months.
5. There were significant rent arrears amounting to more than six months worth of rent in the sum of £3,850.

Reasons for decision

1. The Tribunal accepted the position. The sheriff officers were attempting service of the application having established that the respondent was not present at the property and had not been since earlier in the year. This accorded with the information provided by Mr Rough. There was a Rent Statement. The respondent clearly had not been paying rent and had not done so since August 2023. He was in significantly more than three consecutive months of rent arrears and rent arrears at January 2024 amounted to £3,850. This was more than six months of rent arrears.
2. The paperwork supported the granting of the order. The respondent was not present and there were no written representations.
3. The Tribunal accepted the evidence of the applicant.

Decision

To grant an order of eviction.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Mark Thorley

21st June 2024

Legal Member

Date